

Message Text

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PAGE 01 MONTEV 05409 01 OF 02 191325Z
ACTION ARA-14

INFO OCT-01 ISO-00 HA-05 SSO-00 /020 W
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O 190914Z NOV 77
FM AMEMBASSY MONTEVIDEO
TO SECSTATE WASHDC IMMEDIATE 5278

C O N F I D E N T I A L SECTION 1 OF 2 MONTEVIDEO 5409

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E.O. 11652: GDS
TAGS: SHUM, UY
SUBJ: HUMAN RIGHTS EVALUATION PAPER - URUGUAY

REF: STATE 270975

FOLLOWING ARE DRAFTING CHANGES TO URUGUAY EVALUATION
PAPER, KEYED TO PAGES AND LINES OF DRAFT IN HANDS OF
ARA/ECA AND HA:

A. PAGE 1, SECTION 1. TORTURE. DELETE ENTIRE PARA-
GRAPH AND SUBSTITUTE: "TORTURE IN ITS MANY FORMS IS
DIFFICULT TO PROVE AND DOCUMENT, AS IS ITS FREQUENCY.
NEVERTHELESS, THERE IS SUFFICIENT EVIDENCE TO INDICATE
THAT TORTURE WAS USED FAIRLY EXTENSIVELY IN THE
TUPAMARO CAMPAIGN AND IN A NUMBER OF CASES THEREAFTER
TO EXTRACT INFORMATION. THE USE OF TORTURE, WE BELIEVE,
HAS DECLINED SIGNIFICANTLY SINCE THE HEIGHT OF THE
TUPAMARO PERIOD, AND THE METHODS EMPLOYED HAVE ALSO
BEEN MODERATED. AT PRESENT, WE BELIEVE THAT SOME
LESS EXTREME FORMS OF TORTURE ARE STILL BEING EMPLOYED
FAIRLY REGULARLY BY ARMED FORCES INTERROGATORS AND
INFREQUENTLY BY POLICE INTERROGATORS, USUALLY DURING
THE EARLY STAGES OF DETENTION AND BEFORE DETAINEES
ARE BROUGHT BEFORE A MILITARY JUDGE. WE ALSO BELIEVE
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THAT THERE IS A GROWING APPRECIATION AT THE HIGHER
LEVELS OF THE GOU AND MILITARY OF THE COST OF USING
TORTURE AND THAT INCREASING EFFORTS ARE BEING MADE TO
CONTROL THE INTERROGATORS AND THEIR METHODS.
THE MOST RECENT REPORTS OF DEATHS WHILE UNDER DETEN-
TION CONCERN TWO PERSONS IN BELLA UNION IN LATE
1976 AND THE JUNE, 1977 DEATH UNDER SUSPICIOUS CIRCUM-

STANCES OF DETAINED LABOR ACTIVIST HUMBERTO PASCARETTA."

B. PAGE 1, SECTION 2. CRUEL, INHUMAN OR DEGRADING

PUNISHMENT. DELETE ENTIRE PARAGRAPH AND SUBSTITUTE:

"PSYCHOLOGICAL ABUSES OF DETAINEES DURING THE INITIAL INVESTIGATION/INTERROGATION STATE APPEAR TO BE ROUTINE. THEY ARE OFTEN ISOLATED, HOODED, THREATENED, AND MADE PHYSICALLY UNCOMFORTABLE UNDER marginally ADEQUATE CONDITIONS. ONCE THIS STAGE IS PASSED AND THE DETAINEE IS BROUGHT BEFORE A MILITARY JUDGE FOR DISPOSITION OF HIS CASE, CONDITIONS USUALLY IMPROVE MARKEDLY. FAMILIES ARE THEN PERMITTED TO BRING CLOTHING AND BEDDING AND, LATER, TO MAKE VISITS. PRISON CONDITIONS FOR POLITICAL DETAINEES CAN BE SAID TO BE SUPERIOR TO THOSE OF COMMON CRIMINALS. ALTHOUGH PROVISIONS FOR FRESH AIR, EXERCISE, READING MATERIAL, ETC., ARE LIMITED, ADEQUATE FOOD, SANITARY FACILITIES AND MEDICAL CARE ARE PROVIDED AND PRISONERS ARE NOT MISTREATED BY GUARDS. IN GENERAL, PRISON CONDITIONS ARE JUDGED TO BE SATISFACTORY."

C. PAGE 2, LINES 1-3. DELETE ENTIRE SENTENCE BE-

GINNING WITH "ALTHOUGH..." AND ENDING WITH "...STANDARDS".

SUBSTITUTE: "IN DECEMBER 1975, AMNESTY INTERNATIONAL ESTIMATED THAT THERE WERE APPROXIMATELY 5,000 POLITICAL PRISONERS IN URUGUAY, GIVING IT THE HIGHEST CONCENTRATION PER CAPITA OF POLITICAL PRISONERS IN THE WORLD. THE GOVERNMENT OF URUGUAY USES THE FIGURE OF 2,366 NATIONAL SECURITY
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PRISONERS WHICH, IN THE ABSENCE OF VERIFICATION, WE JUDGE TO BE AT LEAST THE MINIMUM NUMBER."

D. PAGE 2. LINES 15-17. DELETE ENTIRE SENTENCE

BEGINNING WITH "ALTHOUGH..." AND ENDING WITH "...SCALE".

E. PAGE 2. LINES 19-21. DELETE ENTIRE SENTENCE

AND SUBSTITUTE: "WHOLESALE "RAIDS" OF THE TUPAMARO

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C O N F I D E N T I A L SECTION 2 OF 2 MONTEVIDEO 5409

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PERIOD AND SUBSEQUENT ROUND-UPS OF COMMUNITST
HAVE SUBSIDED. CURRENTLY, INVASIONS OF HOMES BY
SECURITY FORCES ARE IRREGULAR AND USUALLY DO NOT
INVOLVE LOOTING AND ABUSES."

F. PAGE 2. LINE 23. BEGIN TEXT WITH THE FOLLOWING:

"A PERSON BEING PROCESSED FOR A NATIONAL SECURITY
OFFENSE IN URUGUAY CANNOT BE SAID TO RECEIVE A FAIR
AND OPEN HEARING BY AN INDEPENDENT AND IMPARTIAL
TRIBUNAL. "CONTINUE WITH "URUGUAY, IN ACCORD
WITH THE PRACTICES OF OTHER CIVIL LAW COUNTRIES,
DOES NOT.....".

G. PAGE 3. LINE 3. DELETE THE ENTIRE SENTENCE
"THE FOREGOING....." AND ENDING WITH "MODELED".

H. PAGE 3. LINE 13. AFTER "NATIONAL SECURITY
OFFENSES.", INSERT: "AND, THEY SYSTEM IS SUFFICIENTLY
ARBITRARY, STACKED AGAINST THE PRISONER, AND KNOWN
TO BE, TO CONVINCE THE REASONABLY INTELLIGENT PRISONER
(EVEN WITHOUT COERCION) THAT AN EARLY CONFESSION
TO ALL CHARGES IS THE WISEST COURSE."

I. PAGE 5. AFTER FIRST PARAGRAPH BEGINNING WITH
"THERE IS AN AUTOMATIC RIGHT....." AND ENDING WITH
"DETAIN THE INDIVIDUAL"., INSERT THE FOLLOWING:
"ALTHOUGH POLITICAL DETAINEES ARE PROCESSED SOLELY
WITHIN THE MILITARY JUSTICE SYSTEM, CIVILIAN JUDGES
HAVE OCCASIONALLY ASSUMED JURISDICTION IN OTHER HUMAN-
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RIGHTS-RELATED MATTERS. PROVISIONS OF INSTITUTIONAL
ACT NO. 8, MAKING ALL APPOINTMENTS OF JUDGES PRO-
VISIONAL DURING A FOUR-YEAR PERIOD, CAN BE EXPECTED
TO INDUCE EVEN GREATER CAUTION AND TO LIMIT STILL
FURTHER THIS OCCASIONAL INVOLVEMENT."

J. PAGE 6. LINE 11. BEGIN WITH "BUSQUEDA" AND
DELETE "(URUGUAY'S ONLY MAGAZINE)", CONTINUING SEN-
TENCE AS WRITTEN.

K. PAGE 7. LINE 3. DELETE WORD "ALLEGED".

L. PAGE 7. LINE 20. DELETE WORDS "PRACTICALLY
NONEXISTENT" AND INSERT "IN PRACTICE NOT RESPECTED."

.. PAGE 8. AT END OF FIRST PARAGRAPH "...IN THE
PRIVATE SECTOR AS WELL." INSERT THE FOLLOWING
PARAGRAPH: "INSTITUTIONAL ACT NO. 7 PROVIDED THE
GOU WITH A POWERFUL TOOD TO CONTROL THE ACTIVITIES

OF GOVERNMENT EMPLOYEES (WHO WERE VIRTUALLY
GUARANTEED LIFETIME JOB SECURITY) BY PROVIDING MEANS
FOR THEIR SUMMARY TERMINATION. ESTIMATES OF THE
NUMBER OF EMPLOYEES TERMINATED UNDER THE PROVISIONS
OF THE ACT SINCE ENACTMENT IN JULY, 1977 VARY
WIDELY, BUT REPORTEDLY AS MANY AS 1,000 TEACHERS MAY
HAVE BEEN DISMISSED FOR VARIOUS REASONS AND BY
VARIOUS MEANS, INCLUDING THE ACT, IN RECENT YEARS."
. PAGE 8. FOURTH LINE FROM BOTTOM BEGINNING
"IN THE MEANTIME..." AND ENDING WITH "...EFFECTIVELY
TO FUNCTION." - DELETE ENTIRE SENTENCE AND REPLACE
WITH THE FOLLOWING: "IN THE MEANTIME, INSTITUTIONAL
ACT NO. 4 HAS DEPRIVED THOUSANDS OF PERSONS (IN-
CLUDING MOST ACKNOWLEDGED LEADERS OF THE TRADITIONAL
POLITICAL PARTIES) OF THEIR POLITICAL RIGHTS FOR UP
TO FIFTEEN YEARS AND, WHILE THEIR HEADQUARTERS
REMAIN OPEN AND THE PARTIES RETAIN ELECTED OFFICERS,
THEY ARE NOT PERMITTED TO FUNCTION EFFECTIVELY."
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O. PAGE 9. LINE 7. CHANGE "OVER \$1000" TO "ABOUT
\$1300".
P. PAGE 11. LINE 14. DELETE "OTHER FORMS OF".
CHANGE "CRUEL, INHUMAN AND" TO "CRUEL, INHUMAN OR".
Q. PAGE 12. LINE 19. BEGINNING WITH "JURISTS CON-
DUCTED...", DELETE "AS HAS THE INTERNATIONAL RED CROSS
....ON ONE OCCASION" AND INSERT "AND, PRIOR TO
THAT DATE, THE INTERNATIONAL RED CROSS WAS PERMITTED
TO VISIT PRISONERS."
R. PAGE 12. LINE 21. DELETE WORD "LIMITED".
S. PAGE 12. LINE 23. AFTER "ANY OUTSIDE INVESTIGATIONS",
INSERT "OF HUMAN RIGHTS-RELATED QUESTIONS" CONTINUING
SENTENCE "ON THE GROUNDS OF ITS....".
T. PAGE 13. LINE 16. DELETE COMMA AFTER "DEFENSIVE".
U. PAGE 13. LINE 17. DELETE WORD "HOSTILE".
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Message Attributes

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